

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**V.**

**CRIMINAL NO. 6:09cr94**

**REPORT AND RECOMMENDATION OF**  
**UNITED STATES MAGISTRATE JUDGE**

- 5) The defendant's plea is made freely and voluntarily;
- 6) The defendant is competent to enter this plea of guilty;
- 7) There is a factual basis for this plea; and
- 8) The ends of justice will be served by acceptance of the defendant's plea of guilty.

**Recommendation**

Accordingly, it is hereby RECOMMENDED that the District Judge accept the plea of guilty and enter a final judgment of guilty against the defendant. It is further RECOMMENDED that the plea agreement be approved conditioned upon a review of the presentence report.

A party's failure to file objections to the findings, conclusions, and recommendations contained in this Report within fourteen days after service with a copy thereof shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

**So ORDERED and SIGNED this 1st day of February, 2010.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE